

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
VICTORIA DIVISION

STATE OF TEXAS,)
GUN OWNERS OF AMERICA, INC.,)
GUN OWNERS FOUNDATION, and)
BRADY BROWN,)

Plaintiffs,)

v.)

BUREAU OF ALCOHOL, TOBACCO,)
FIREARMS AND EXPLOSIVES, UNITED)
STATES DEPARTMENT OF JUSTICE, and)
STEVEN M. DETTELBAACH in his official)
capacity AS THE DIRECTOR OF ATF,)

Defendants.)
_____)

Case No. 6:23-cv-00013

DECLARATION OF BRADY BROWN

1. My name is Brady Brown. I am an adult resident of Shiner, Texas, in Lavaca County. I am a citizen of the United States of America, and a member of Gun Owners of America, Inc.
2. I am not a prohibited person, and thus I can lawfully purchase and possess firearms under federal and state law. I am an avid gun owner and Second Amendment supporter.
3. I am also a federal firearms licensee who holds a Type 01 dealer license issued by the Bureau of Alcohol, Tobacco, Firearms, and Explosives (“ATF”).



4. I have read the Final Rule, and understand that it will significantly impact and negatively affect myself and my activities both now and in the future, both privately and commercially, and with respect to the exercise of my right to keep and bear arms,.

5. For example, I personally own at least one AR-15 style firearm in pistol configuration and equipped with a stabilizing brace which, prior to the Final Rule, ATF promised was perfectly legal to possess, and properly classified as a pistol. Yet it is my understanding that, under the Final Rule, ATF now would classify my firearm (and virtually every firearm with a stabilizing brace) as a short-barreled rifle.

6. In addition to my personal firearm, my business inventory consists of at least one such firearm, properly classified as a pistol and equipped with a stabilizing brace. Again, however, it is my understanding that, under the Final Rule, ATF now would classify such firearms as short-barreled rifles.

7. Even though ATF promised the American public that these firearms were perfectly lawful to make, manufacture, purchase, and possess, suddenly now under the Final Rule I am required either to significantly modify my firearms at substantial cost (either by removing the brace or adding a longer barrel), register my firearms with ATF under the National Firearms Act (“NFA”), or else I must destroy or surrender my firearms to the government. None of these choices is acceptable.

8. Yet if I do not comply, I run the risk of felony prosecution for possession of what ATF arbitrarily now claims are illegal short-barreled rifles, loss of my federal firearms license (and thus my means of livelihood), and loss of my Second Amendment rights (and other liberties), all for having relied on ATF’s repeated promises that my conduct, and my firearms, are lawful.

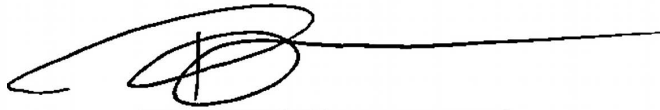
9. For my firearms which do not comply with the Final Rule, I now cannot even transfer the offending firearms to another dealer, or sell them to a customer in a retail sale, because to do so would be, in ATF's eyes, illegally transferring an unregistered NFA firearm.

10. I wish to continue to possess my firearms in their current configurations, without being forced to modify, destroy, surrender, or register the firearms with the federal government and mark the firearms with additional serialization.

11. The Final Rule is causing both me and my business serious and irreparable harm, not only in lost inventory, revenue, and customer goodwill, but also imposes upon me the risk of serious criminal penalties, and infringement of constitutional rights. If the Final Rule is not declared invalid, I will continue to suffer these irreparable harms.

I, Brady Brown, certify under penalty of perjury that the foregoing is true and correct.

Dated: February 14, 2023



Brady Brown